

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAN 09 2012

JULIA C. DUDLEY, CLERK
BY: 
(DEPUTY CLERK)

JACOB D. PEYTON,)	CASE NO. 7:11CV00566
)	
Petitioner,)	
)	FINAL ORDER
vs.)	
)	
HAROLD CLARK, DIRECTOR,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	


In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**, as untimely filed, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 9th day of January, 2012.



Chief United States District Judge